

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

TEXAS ASS'N FOR MONEY SERVICES
BUSINESSES (TAMSB), *et al.*

Plaintiffs,

v.

PAM BONDI, in her official capacity as
Attorney General; SCOTT BESSENT, in his
official capacity as Secretary of the Treasury;
UNITED STATES DEPARTMENT OF THE
TREASURY; ANDREA GACKI, in her
official capacity as the Director of the
Financial Crimes Enforcement Network;
FINANCIAL CRIMES ENFORCEMENT
NETWORK,

Defendants.

Civil Action No. 25-cv-344

DEFENDANTS' NOTICE REGARDING WITNESS LISTS

Pursuant to the Order dated April 28, 2025, ECF No. 30, Defendants respectfully notify the Court that they currently do not anticipate calling witnesses at the hearing on Plaintiffs' Motion for a Preliminary Injunction. Judicial review of the merits of Plaintiffs' claim is generally limited to review of the existing administrative record, not a new factual record made in district court. *Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 743 (1985); *OnPath Fed. Credit Union v. U.S. Dep't of Treasury, Cmty. Dev. Fin. Institutions Fund*, 73 F.4th 291, 299 (5th Cir. 2023). With respect to any non-merits factual dispute, Defendants also intend to rely on declaration evidence and the certified administrative record. *Cf. Sierra Club, Lone Star Chapter v. FDIC*, 992 F.2d 545, 551 (5th Cir. 1993). Defendants nonetheless reserve the right to call the witnesses identified by Plaintiffs and to call any impeachment or rebuttal witnesses, as necessary.

Dated May 6, 2025

Respectfully submitted

YAAKOV ROTH
Acting Assistant Attorney General

STEPHEN M. ELLIOTT
Assistant Director, Federal Programs Branch

/s/ Amy E. Powell
AMY E. POWELL
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
c/o U.S. Attorney's Office for EDNC
150 Fayetteville St, Suite 2100
Raleigh, NC 27601
Tel.: 919-856-4013
Email: amy.powell@usdoj.gov

Counsel for Defendants